

AMENDED IN SENATE APRIL 20, 1999

AMENDED IN SENATE APRIL 8, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 367

Introduced by Senator Dunn

February 11, 1999

An act to add Section 1010.6 to the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 367, as amended, Dunn. Court filings: electronic transmission.

Existing law authorizes the Judicial Council to adopt rules permitting the filing of papers by facsimile transmission.

This bill would authorize ~~the Judicial Council~~ *a trial court* to adopt *local* rules ~~regulating~~ *of court permitting* electronic filing and service of documents, *as specified*. The bill would ~~provide that a document that is filed electronically shall have the same legal effect as an original paper document. The bill would authorize a trial court to order that all parties to an action file and serve documents electronically in certain actions, as specified~~ *further require the Judicial Council by January 1, 2003, to adopt uniform rules of court for these purposes, which conform to the same conditions*. The bill would also make a statement of legislative intent.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1010.6 is added to the Code of Civil Procedure, to read:

~~1010.6. (a) The Judicial Council may adopt rules permitting electronic filing and service of documents, including, but not limited to, establishing an equivalent that will meet the requirement of an original signature on an electronically filed document and making the electronically filed document the equivalent of an original signed paper document.~~

1010.6. (a) Except as governed by rules adopted pursuant to subdivision (b), a trial court may adopt local rules permitting electronic filing and service of documents, subject to the following conditions:

(1) A document that is filed electronically shall have the same legal effect as an original paper document.

(2) Where a document to be filed requires the signature of an attorney, the document shall be deemed to have been signed by the attorney if the document is filed electronically. This paragraph shall also apply to all persons filing documents in propria persona.

(3) Any document that is electronically filed with the court after the close of business on any day shall be deemed to have been filed on the next court day. "Close of business," as used in this paragraph, shall mean 5 p.m. or the time at which the court would not accept filing at the court's filing counter, whichever is earlier.

(4) The court receiving a document filed electronically shall issue a confirmation that the document has been received and filed. The confirmation shall serve as proof that the document has been filed.

~~(b) A document that is filed electronically shall have the same legal effect as an original paper document.~~

~~(c) A~~

(5) If a trial court adopts rules conforming to paragraphs (1) to (4), inclusive, it may provide by order that all parties to an action file and serve documents electronically, or both, in a class action, a consolidated action, a coordinated action, or an action that is deemed

1 complex under Judicial Council rules, provided that the
2 trial court's order does not cause undue hardship or
3 significant prejudice to any party in the action.

4 ~~(d) Any document that is electronically filed with the~~
5 ~~court after the close of business on any day shall be~~
6 ~~deemed to have been filed on the next court day.~~

7 *(b) By January 1, 2003, the Judicial Council shall adopt*
8 *uniform rules for the electronic filing and service of*
9 *documents in the trial courts of the state, which shall*
10 *conform to the conditions set forth in this section, as*
11 *amended from time to time.*

12 SEC. 2. It is the intent of the Legislature in enacting
13 this act to do both of the following:

14 (a) To provide for the eventual standardization of
15 electronic filing and service procedures on a statewide
16 level.

17 (b) To provide that a court shall not adopt an
18 electronic filing procedure that requires a litigant or
19 attorney to possess specialized, cumbersome, or
20 expensive equipment or software to utilize the electronic
21 filing system.

